IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

WP(C).No. 33772 of 2007(S)

AGAINST THE ORDER DATED IN CMP 1248/07 IN MC.40/2002 of FAMILY COURT,KOZHIKODE

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PETITIONER:

SAMEER VANNAMKANDI, S/O.MOOSSA HAJI,
P.O.PERODU, VELLUR AMSOM, CHALAPPURAM DESOM,
VATAKARA TALUK.

BY ADV. SRI.PULIKKOOL ABUBACKER
SRI.ZUBAIR PULIKKOOL

RESPONDENTS:

MUHAMMED SINAN (MINOR) REPRESENTED BY
MOTHER'S FATHER ABDULLA, S/O.MOIDEEN HAJI,
PUTHANPURAYIL HOUSE, IYYANKODE AMSOM,
VIYYUR DESOM, VATAKARA TALUK.

BY ADV. SRI.T.SETHUMADHAVAN
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C) No.33772 OF 2007 APPENDIX

PETITIONER'S EXHIBITS

Ext.P1: True copy of the receipt dated 8.6.2007

Ext.P2: True copy of the receipt dated 8.6.2007

Ext.P3: True copy of the petition filed by the respondent

Ext.P4: True copy of Counter Statement in C.M.P No. 1248 /2007

Ext.P5: True copy of the Order dated 3.10.2007 in C.M.P No. 1248/2007.

// True copy//

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KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

W.P.(C) No. 33772 of 2007

Dated this the 27th day of November 2007

JUDGMENT

Kurian Joseph,J

Challenge is against Ext.P5 order passed by the Family Court Kozhikode. The Family court refused to set aside the Ex-parte order against the petitioner. After having heard the learned counsel appearing on both sides, the parties were relegated to purchase peace by conciliation. It is submitted that the petitioner is prepared to pay maintenance at the rate of Rs.1,300/- to the respondent in the place of 2,500/- as already ordered by the Family court. This writ petition is disposed of as follows

The parties agree that the maintenance under dispute need be only at the rate of Rs. 1,300/- per month. The order in CMP 1248 /2007 in M.C. 40/2002 of the Family Court Kozhikode will stand modified to the above extent. The arrears shall be cleared within a period of two months. It is made clear that this judgment will not stand in the way of the respondoent invoking the jurisdiction under Section 127 of the Cr.P.C

KURIAN JOSEPH, JUDGE

HARUN-UL-RASHID, JUDGE

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